

# State of Wisconsin



2011 Senate Bill 489

Date of enactment: April 2, 2012  
Date of publication\*: April 16, 2012

## 2011 WISCONSIN ACT 190

AN ACT *to repeal* 440.60 (3), 440.60 (9), 440.63 (1) (a) 1., 440.63 (1) (a) 2. and 454.01 (5) (b); *to renumber and amend* 440.08 (2) (a) 20., 440.60 (4), 440.60 (5), 440.60 (10), 440.62 (3) (a), 440.62 (5) (b), 440.63 (1) (a) (intro.), 454.01 (5) (c) and (d), 454.01 (6) and 454.01 (12); *to consolidate, renumber and amend* 454.01 (5) (intro.) and (a); *to amend* 15.405 (17), 106.52 (1) (e) 1., 440.03 (13) (b) 13., 440.03 (13) (b) 14., 440.03 (13) (b) 15., 440.08 (2) (a) 16., 440.08 (2) (a) 17., 440.08 (2) (a) 18., 440.08 (2) (a) 19., 440.60 (14), 440.62 (1) (a), 440.62 (1) (c), 440.63 (1) (b), (c) and (d), 440.63 (3) (a) (intro.), 2. and 4., 440.635, 440.64 (1) (a), chapter 454 (title), 454.01 (intro.), 454.01 (10), 454.01 (11), 454.01 (15), 454.02 (1), 454.02 (2) (intro.), 454.02 (3) (intro.), 454.04 (1) (a), 454.04 (1) (b), 454.04 (1) (c), 454.04 (1) (d), 454.04 (2) (a), 454.04 (2) (b), 454.04 (2) (c), 454.04 (2) (d), 454.06 (2) (intro.), (b) and (c), 454.06 (3) (intro.), (a), (b) and (d), 454.06 (4) (b) 1. and 2., 454.06 (5) (b) 1. and 2., 454.06 (6) (b) 1. and 2., 454.06 (7), 454.06 (10) (a), 454.07 (1), 454.08 (1) (a), 454.08 (1) (b), 454.08 (2) (a), 454.08 (2) (b), 454.08 (2) (c), 454.08 (2) (d), 454.08 (5), 454.08 (6), 454.10 (2), 454.10 (3) (a), 454.12 (intro.), 454.13 (1) (intro.), 454.13 (2), 454.15 (1), 454.15 (2) (intro.), 454.15 (2) (a), 454.15 (2) (c), 454.15 (2) (d), 454.15 (2) (i) and 454.16; and *to create* 440.03 (13) (b) 19e., 440.03 (13) (b) 19m., 440.03 (13) (b) 19s., 440.08 (2) (a) 24b., 440.08 (2) (a) 24d., 440.08 (2) (a) 24g., 440.08 (2) (a) 24i., 440.08 (2) (a) 24k., 440.60 (5e), 440.60 (5m), 440.60 (5s), 440.62 (1) (cm), 440.62 (3) (ag), 440.62 (3) (ar) 4m., 440.62 (5) (b) 2., 440.63 (1) (am), 440.63 (3) (am), subchapter I (title) [precedes 454.01], 454.01 (7m) (intro.), (a) and (b), 454.01 (11m), 454.01 (15m), 454.04 (1m), 454.06 (8m), 454.15 (2) (j) and subchapter II of chapter 454 [precedes 454.20] of the statutes; **relating to:** separation of the licensing requirements for barbering and cosmetology, regulation of the practice of barbers and cosmetologists, granting rule-making authority, and providing a penalty.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 15.405 (17) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

15.405 (17) ~~BARBERING AND COSMETOLOGY~~ COSMETOLOGY EXAMINING BOARD. There is created a ~~barbering and~~ cosmetology examining board in the department of safety and professional services. The ~~barbering and~~ cosmetology examining board shall consist of 9 members appointed for 4-year terms. Four members shall be

licensed ~~barbers,~~ aestheticians, or cosmetologists, 2 members shall be public members, one member shall be a representative of a private school of ~~barbering or~~ cosmetology, one member shall be a representative of a public school of ~~barbering or~~ cosmetology and one member shall be a licensed electrologist. Except for the 2 members representing schools, no member may be connected with or have any financial interest in a ~~barbering or~~ cosmetology school.

**SECTION 2.** 106.52 (1) (e) 1. of the statutes is amended to read:

\* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

106.52 (1) (e) 1. “Public place of accommodation or amusement” shall be interpreted broadly to include, but not be limited to, places of business or recreation; lodging establishments; restaurants; taverns; barber or cosmetologist, aesthetician, electrologist, or manicuring establishments; nursing homes; clinics; hospitals; cemeteries; and any place where accommodations, amusement, goods, or services are available either free or for a consideration, subject to subd. 2.

**SECTION 3.** 440.03 (13) (b) 13. of the statutes is amended to read:

440.03 (13) (b) 13. Barber or cosmetologist.

**SECTION 4.** 440.03 (13) (b) 14. of the statutes is amended to read:

440.03 (13) (b) 14. Barbering or cosmetology instructor.

**SECTION 5.** 440.03 (13) (b) 15. of the statutes is amended to read:

440.03 (13) (b) 15. Barbering or cosmetology manager.

**SECTION 6.** 440.03 (13) (b) 19e. of the statutes is created to read:

440.03 (13) (b) 19e. Cosmetologist.

**SECTION 7.** 440.03 (13) (b) 19m. of the statutes is created to read:

440.03 (13) (b) 19m. Cosmetology instructor.

**SECTION 8.** 440.03 (13) (b) 19s. of the statutes is created to read:

440.03 (13) (b) 19s. Cosmetology manager.

**SECTION 9.** 440.08 (2) (a) 16. of the statutes is amended to read:

440.08 (2) (a) 16. Barbering or cosmetology establishment: April 1 of each odd-numbered year.

**SECTION 10.** 440.08 (2) (a) 17. of the statutes is amended to read:

440.08 (2) (a) 17. Barbering or cosmetology instructor: April 1 of each odd-numbered year.

**SECTION 11.** 440.08 (2) (a) 18. of the statutes is amended to read:

440.08 (2) (a) 18. Barbering or cosmetology manager: April 1 of each odd-numbered year.

**SECTION 12.** 440.08 (2) (a) 19. of the statutes is amended to read:

440.08 (2) (a) 19. Barbering or cosmetology school: April 1 of each odd-numbered year.

**SECTION 13.** 440.08 (2) (a) 20. of the statutes is renumbered 440.08 (2) (a) 15m. and amended to read:

440.08 (2) (a) 15m. Barber or cosmetologist: April 1 of each odd-numbered year.

**SECTION 14.** 440.08 (2) (a) 24b. of the statutes is created to read:

440.08 (2) (a) 24b. Cosmetologist: April 1 of each odd-numbered year.

**SECTION 15.** 440.08 (2) (a) 24d. of the statutes is created to read:

440.08 (2) (a) 24d. Cosmetology establishment: April 1 of each odd-numbered year.

**SECTION 16.** 440.08 (2) (a) 24g. of the statutes is created to read:

440.08 (2) (a) 24g. Cosmetology instructor: April 1 of each odd-numbered year.

**SECTION 17.** 440.08 (2) (a) 24i. of the statutes is created to read:

440.08 (2) (a) 24i. Cosmetology manager: April 1 of each odd-numbered year.

**SECTION 18.** 440.08 (2) (a) 24k. of the statutes is created to read:

440.08 (2) (a) 24k. Cosmetology school: April 1 of each odd-numbered year.

**SECTION 19.** 440.60 (3) of the statutes is repealed.

**SECTION 20.** 440.60 (4) of the statutes is renumbered 440.60 (4m) and amended to read:

440.60 (4m) “Barbering or cosmetology” has the meaning specified in s. 454.01 (5) ~~454.20 (2)~~.

**SECTION 21.** 440.60 (5) of the statutes is renumbered 440.60 (4e) and amended to read:

440.60 (4e) “Barber or cosmetologist” has the meaning specified in s. 454.01 (6) ~~454.20 (1)~~.

**SECTION 22.** 440.60 (5e) of the statutes is created to read:

440.60 (5e) “Cosmetologist” has the meaning specified in s. 454.01 (7e).

**SECTION 23.** 440.60 (5m) of the statutes is created to read:

440.60 (5m) “Cosmetology” has the meaning specified in s. 454.01 (7m).

**SECTION 24.** 440.60 (5s) of the statutes is created to read:

440.60 (5s) “Cosmetology manager” has the meaning specified in s. 454.01 (7s).

**SECTION 25.** 440.60 (9) of the statutes is repealed.

**SECTION 26.** 440.60 (10) of the statutes is renumbered 440.60 (4s) and amended to read:

440.60 (4s) “~~Manager~~ Barbering manager” has the meaning specified in s. 454.01 (12) ~~454.20 (3)~~.

**SECTION 27.** 440.60 (14) of the statutes is amended to read:

440.60 (14) “School” means any facility, other than a specialty school, that offers instruction in barbering or cosmetology, aesthetics, electrology, or manicuring.

**SECTION 28.** 440.62 (1) (a) of the statutes is amended to read:

440.62 (1) (a) No person may operate a school unless the school holds a current license as a school of barbering or cosmetology, aesthetics, electrology, or manicuring, as appropriate, issued by the department.

**SECTION 29.** 440.62 (1) (c) of the statutes is amended to read:

440.62 (1) (c) No school may use the title “school of barbering or cosmetology” or any similar title unless the

school holds a current school of barbering or cosmetology license issued by the department.

**SECTION 30.** 440.62 (1) (cm) of the statutes is created to read:

440.62 (1) (cm) No school may use the title “school of cosmetology” or any similar title unless the school holds a current school of cosmetology license issued by the department.

**SECTION 31.** 440.62 (3) (a) of the statutes is renumbered 440.62 (3) (ar), and 440.62 (3) (ar) (intro.), 2., 3., 4. and 8. of the statutes, as renumbered, are amended to read:

440.62 (3) (ar) *School of barbering or cosmetology license.* (intro.) The department shall issue a school of barbering or cosmetology license to each school that meets all of the following requirements:

2. Requires as a prerequisite to graduation completion of a course of instruction in barbering or cosmetology of at least 1,800 training hours in not less than 10 months. The course of instruction may not exceed 8 training hours in any one day for any student or 48 hours in any one week for any student.

3. If the school offers a course of theoretical instruction for cosmetology managers, requires as a prerequisite to completion of the that course of instruction for managers the completion of at least 150 training hours of theoretical instruction.

4. If the school offers a course of theoretical instruction for apprentices under s. 454.10, requires as a prerequisite to completion of the course of instruction for those apprentices the completion of at least 288 training hours in not less than 9 weeks and not more than 2 years.

8. Satisfies the requirements for schools of barbering or cosmetology established in rules promulgated under subs. (2) (e) and (5) (b) 1 and s. 440.64 (1) (b).

**SECTION 32.** 440.62 (3) (ag) of the statutes is created to read:

440.62 (3) (ag) *School of barbering.* The department shall issue a school of barbering license to each school that meets all of the following requirements:

1. Satisfies the conditions in sub. (2).

2. Requires as a prerequisite to graduation completion of a course of instruction in barbering of at least 1,000 training hours in not less than 10 months. The course of instruction may not exceed 8 training hours in any one day for any student or 48 hours in any one week for any student.

3. If the school offers a course of theoretical instruction for barbering managers, requires as a prerequisite to completion of that course of instruction the completion of at least 150 training hours of theoretical instruction.

4. If the school offers a course of theoretical instruction for apprentices under s. 454.26, requires as a prerequisite to completion of the course of instruction for those apprentices the completion of at least 288 training hours in not less than 9 weeks and not more than 2 years.

5. Satisfies the requirements for schools of barbering established in rules promulgated under subs. (2) (e) and (5) (b) 2. and s. 440.64 (1) (b).

**SECTION 33.** 440.62 (3) (ar) 4m. of the statutes is created to read:

440.62 (3) (ar) 4m. If the school offers a course of instruction in barbering, the course of instruction satisfies the requirements under par. (ag) 2.

**SECTION 34.** 440.62 (5) (b) of the statutes is renumbered 440.62 (5) (b) 1. and amended to read:

440.62 (5) (b) 1. The cosmetology examining board shall promulgate rules prescribing the subjects required to be included in courses of instruction at schools of cosmetology and specialty schools and establishing minimum standards for courses of instruction and instructional materials and equipment at schools of cosmetology and specialty schools.

**SECTION 35.** 440.62 (5) (b) 2. of the statutes is created to read:

440.62 (5) (b) 2. The department shall promulgate rules prescribing the subjects required to be included in courses of instruction at schools of barbering and establishing minimum standards for courses of instruction and instructional materials and equipment at schools of barbering.

**SECTION 36.** 440.63 (1) (a) (intro.) of the statutes is renumbered 440.63 (1) (a) and amended to read:

440.63 (1) (a) No person may provide practical instruction in barbering or cosmetology in a school of barbering or cosmetology unless the person holds a current barbering instructor or cosmetology instructor certificate issued by the department, except as follows:

**SECTION 37.** 440.63 (1) (a) 1. of the statutes is repealed.

**SECTION 38.** 440.63 (1) (a) 2. of the statutes is repealed.

**SECTION 39.** 440.63 (1) (am) of the statutes is created to read:

440.63 (1) (am) No person may provide practical instruction in cosmetology unless the person holds a current cosmetology instructor certificate issued by the department.

**SECTION 40.** 440.63 (1) (b), (c) and (d) of the statutes are amended to read:

440.63 (1) (b) No person may provide practical instruction in a school of aesthetics unless the person holds a current barbering or cosmetology instructor or aesthetics instructor or cosmetology instructor certificate issued by the department.

(c) No person may provide practical instruction in electrology in a school of barbering or cosmetology or school of electrology unless the person holds a current electrology instructor certificate issued by the department.

(d) No person may provide practical instruction in a school of manicuring unless the person holds a current

barbering or cosmetology instructor or manicuring instructor or cosmetology instructor certificate issued by the department.

**SECTION 41.** 440.63 (3) (a) (intro.), 2. and 4. of the statutes are amended to read:

440.63 (3) (a) *Barbering or cosmetology instructor certification.* (intro.) The department shall issue a barbering or cosmetology instructor certificate to each person who meets all of the following requirements:

2. Completes 2,000 hours of practice as a licensed barber or cosmetologist or holds a current barbering manager license issued by the examining board department.

4. Passes an examination conducted by the department to determine fitness as a barbering or cosmetology instructor.

**SECTION 42.** 440.63 (3) (am) of the statutes is created to read:

440.63 (3) (am) *Cosmetology instructor certification.* The department shall issue a cosmetology instructor certificate to each person who meets all of the following requirements:

1. Satisfies the conditions in sub. (2).

2. Completes 2,000 hours of practice as a licensed cosmetologist or holds a current cosmetology manager license issued by the cosmetology examining board.

3. Completes 150 training hours of instructor training approved by the department.

4. Passes an examination conducted by the department to determine fitness as a cosmetology instructor.

**SECTION 43.** 440.635 of the statutes is amended to read:

440.635 (1) No person may provide practical instruction in a specialty school of aesthetics unless the person holds a current cosmetology manager license issued by the cosmetology examining board or a current barbering or cosmetology instructor or aesthetics instructor certificate issued by the department.

(2) No person may provide practical instruction in a specialty school of electrology unless the person holds a current electrologist license and a current cosmetology manager license issued by the cosmetology examining board or an electrology instructor certificate issued by the department.

(3) No person may provide practical instruction in a specialty school of manicuring unless the person holds a current cosmetology manager license issued by the cosmetology examining board or a current barbering or cosmetology instructor or manicuring instructor certificate issued by the department.

**SECTION 44.** 440.64 (1) (a) of the statutes is amended to read:

440.64 (1) (a) The department shall investigate the adequacy of the courses of instruction and instructional materials and equipment at schools and specialty schools and review those courses of instruction, instructional materials, and equipment for compliance with minimum

standards established by rules of the department or cosmetology examining board, as appropriate.

**SECTION 45.** Chapter 454 (title) of the statutes is amended to read:

#### CHAPTER 454

#### BARBERING AND COSMETOLOGY

#### EXAMINING BOARD

**SECTION 46.** Subchapter I (title) [precedes 454.01] of the statutes is created to read:

#### CHAPTER 454

#### SUBCHAPTER I

#### COSMETOLOGY EXAMINING BOARD

**SECTION 47.** 454.01 (intro.) of the statutes is amended to read:

**454.01 Definitions.** (intro.) In this chapter subchapter:

**SECTION 48.** 454.01 (5) (intro.) and (a) of the statutes are consolidated, renumbered 454.01 (5m) and amended to read:

454.01 (5m) “Barbering or cosmetology” means, for compensation, performing any one or a combination of the following practices: (a) Arranging, styling, dressing, shampooing, cleansing, curling, dyeing, tinting, coloring, bleaching, waving, cutting, shaving, trimming, relaxing, singeing or performing similar work upon the hair or beard of any person by any means has the meaning given in s. 454.20 (2).

**SECTION 49.** 454.01 (5) (b) of the statutes is repealed.

**SECTION 50.** 454.01 (5) (c) and (d) of the statutes are renumbered 454.01 (7m) (c) and (d), and 454.01 (7m) (d) of the statutes, as renumbered, is amended to read:

454.01 (7m) (d) The removal of hair of any person at the root, except by use of an electric needle.

**SECTION 51.** 454.01 (6) of the statutes is renumbered 454.01 (7e) and amended to read:

454.01 (7e) “Barber or cosmetologist Cosmetologist” means a person who practices barbering or cosmetology.

**SECTION 52.** 454.01 (7m) (intro.), (a) and (b) of the statutes are created to read:

454.01 (7m) (intro.) “Cosmetology” means, for compensation, performing one or more of the following:

(a) Barbering.

(b) Aesthetics.

**SECTION 53.** 454.01 (10) of the statutes is amended to read:

454.01 (10) “Establishment” means any place in which barbering or cosmetology, aesthetics, electrology, or manicuring is performed.

**SECTION 54.** 454.01 (11) of the statutes is amended to read:

454.01 (11) “Examining board” means the barbering and cosmetology examining board.

**SECTION 55.** 454.01 (11m) of the statutes is created to read:

454.01 (11m) “Inactive license” means a license issued under s. 454.06 (2) to (6) that is classified as inactive by the examining board under s. 454.06 (8m).

**SECTION 56.** 454.01 (12) of the statutes is renumbered 454.01 (7s) and amended to read:

454.01 (7s) “~~Manager~~ Cosmetology manager” means a person who practices ~~barbering or~~ cosmetology and who is responsible for ~~supervising and~~ managing the operation of an establishment ~~and ensuring that the establishment operates in compliance with this chapter and rules promulgated by the examining board.~~

**SECTION 57.** 454.01 (15) of the statutes is amended to read:

454.01 (15) “Student” means a person who is ~~not licensed to practice barbering or cosmetology and who is engaged in learning the~~ and not licensed to practice of barbering ~~or~~ cosmetology, aesthetics, electrology, or manicuring at a school licensed under s. 440.62 (3) or exempted under s. 440.61 or a specialty school licensed under s. 440.62 (4).

**SECTION 58.** 454.01 (15m) of the statutes is created to read:

454.01 (15m) “Theoretical instruction” has the meaning given in s. 440.60 (17).

**SECTION 59.** 454.02 (1) of the statutes is amended to read:

454.02 (1) Licenses A license to practice ~~barbering or~~ cosmetology ~~do~~ does not confer the right to diagnose, prescribe for, or treat diseases or conditions except as indicated in the definition of ~~barbering or~~ cosmetology in s. 454.01 (5) (7m) or under the direction of a licensed and practicing physician.

**SECTION 60.** 454.02 (2) (intro.) of the statutes is amended to read:

454.02 (2) (intro.) ~~Barbering or cosmetology~~ Cosmetology, aesthetics, electrology, and manicuring do not include any of the following:

**SECTION 61.** 454.02 (3) (intro.) of the statutes is amended to read:

454.02 (3) (intro.) ~~Barbering or cosmetology~~ Cosmetology, aesthetics, and manicuring do not include any of the following:

**SECTION 62.** 454.04 (1) (a) of the statutes is amended to read:

454.04 (1) (a) Except as permitted under pars. (b) and (d), sub. (1m), and subch. II, no person may engage in ~~barbering or~~ cosmetology unless the person has received training in the areas of service provided and holds a current ~~barber or~~ cosmetologist license, or cosmetology manager license or issued by the examining board that is not an inactive license or temporary permit issued by the examining board or is an apprentice under s. 454.10 or a student in a ~~barbering or~~ cosmetology course of instruction.

**SECTION 63.** 454.04 (1) (b) of the statutes is amended to read:

454.04 (1) (b) No person may engage in aesthetics unless the person has received training in the areas of service provided and holds a current aesthetician license, ~~barber or~~ cosmetologist license, or cosmetology manager license, issued by the examining board that is not an inactive license or temporary permit or training permit issued by the examining board or is an apprentice under s. 454.10 or a student in an aesthetics or ~~barbering or~~ cosmetology course of instruction.

**SECTION 64.** 454.04 (1) (c) of the statutes is amended to read:

454.04 (1) (c) No person may engage in electrology unless the person holds a current electrologist license, issued by the examining board that is not an inactive license or temporary permit or training permit issued by the examining board or is a student in an electrology course of instruction.

**SECTION 65.** 454.04 (1) (d) of the statutes is amended to read:

454.04 (1) (d) No person may engage in manicuring unless the person has received training in the areas of service provided and holds a current manicurist license, ~~barber or~~ cosmetologist license, or cosmetology manager license, issued by the examining board that is not an inactive license or temporary permit or training permit issued by the examining board or is an apprentice under s. 454.10 or a student in a manicuring or ~~barbering or~~ cosmetology course of instruction.

**SECTION 66.** 454.04 (1m) of the statutes is created to read:

454.04 (1m) No license is required under this subchapter for the use of thread to remove hair from the eyebrow, upper lip, or other area of the face of a person.

**SECTION 67.** 454.04 (2) (a) of the statutes is amended to read:

454.04 (2) (a) No person may use the title “~~barber cosmetologist~~”, “barber”, “cosmetologist” or “hairstylist” or any other similar title unless the person holds a current ~~barber or~~ cosmetologist license or cosmetology manager license issued by the examining board that is not an inactive license.

**SECTION 68.** 454.04 (2) (b) of the statutes is amended to read:

454.04 (2) (b) No person may use the title “aesthetician” or any other similar title unless the person holds a current aesthetician license, ~~barber or~~ cosmetologist license, or cosmetology manager license issued by the examining board that is not an inactive license.

**SECTION 69.** 454.04 (2) (c) of the statutes is amended to read:

454.04 (2) (c) No person may use the title “electrologist” or any other similar title unless the person holds a current electrologist license issued by the examining board that is not an inactive license.

**SECTION 70.** 454.04 (2) (d) of the statutes is amended to read:

454.04 (2) (d) No person may use the title “manicurist” or any other similar title unless the person holds a current manicurist license, ~~barber or~~ cosmetologist license, or cosmetology manager license issued by the examining board that is not an inactive license.

**SECTION 71.** 454.06 (2) (intro.), (b) and (c) of the statutes are amended to read:

454.06 (2) ~~BARBER OR COSMETOLOGIST~~ COSMETOLOGIST LICENSE. (intro.) The examining board shall issue a ~~barber or~~ cosmetologist license to any person who does all of the following:

(b) Graduates from a course of instruction of at least 1,800 training hours in not less than 10 months in a school of ~~barbering or~~ cosmetology licensed under s. 440.62 (3) (a) (ar) or exempted under s. 440.61 or has successfully completed an apprenticeship under s. 454.10.

(c) Passes an examination conducted by the examining board to determine fitness to practice ~~barbering or~~ cosmetology.

**SECTION 72.** 454.06 (3) (intro.), (a), (b) and (d) of the statutes are amended to read:

454.06 (3) ~~MANAGER~~ COSMETOLOGY MANAGER LICENSE. (intro.) The examining board shall issue a cosmetology manager license to any person who does all of the following:

(a) Holds a ~~barber or~~ cosmetologist license.

(b) Completes 4,000 hours of practice as a licensed ~~barber or~~ cosmetologist under the supervision of a licensed cosmetology manager or completes 2,000 hours of practice as a licensed ~~barber or~~ cosmetologist and 150 training hours of theoretical instruction in a school of ~~barbering or~~ cosmetology licensed under s. 440.62 (3) (a) (ar) or exempted under s. 440.61.

(d) Passes an examination conducted by the examining board to determine fitness to practice as a cosmetology manager.

**SECTION 73.** 454.06 (4) (b) 1. and 2. of the statutes are amended to read:

454.06 (4) (b) 1. A course of instruction in aesthetics of at least 450 training hours in not less than 11 weeks and not more than 30 weeks, in a school of ~~barbering or~~ cosmetology or a school of aesthetics licensed under s. 440.62 (3) (a) (ar) or (b) or exempted under s. 440.61.

2. At least 450 training hours of ~~training~~ in not less than 11 weeks and not more than 30 weeks under the supervision of a ~~barber or cosmetologist~~ cosmetology instructor or aesthetics instructor certified under s. 440.63 (3) (a) (am) or (b) or a licensed cosmetology manager, in a licensed establishment that is also licensed as a specialty school of aesthetics under s. 440.62 (4) (a).

**SECTION 74.** 454.06 (5) (b) 1. and 2. of the statutes are amended to read:

454.06 (5) (b) 1. A course of instruction in electrology of at least 450 training hours in not less than 11 weeks and not more than 30 weeks, in a school of ~~barbering or~~

cosmetology, or a school of electrology licensed under s. 440.62 (3) (a) (ar) or (c) or exempted under s. 440.61.

2. At least 450 training hours of ~~training~~ in not less than 11 weeks and not more than 30 weeks under the supervision of an electrology instructor certified under s. 440.63 (3) (c), or a licensed electrologist who is also a licensed cosmetology manager, in a licensed establishment that is also licensed as a specialty school of electrology under s. 440.62 (4) (b).

**SECTION 75.** 454.06 (6) (b) 1. and 2. of the statutes are amended to read:

454.06 (6) (b) 1. A course of instruction in manicuring of at least 300 training hours in not less than 7 weeks and not more than 20 weeks, in a school of ~~barbering or~~ cosmetology or a school of manicuring licensed under s. 440.62 (3) (a) (ar) or (d) or exempted under s. 440.61.

2. At least 300 training hours of training in not less than 7 weeks and not more than 20 weeks under the supervision of a ~~barber or cosmetologist~~ cosmetology instructor or manicuring instructor certified under s. 440.63 (3) (a) (am) or (d) or a licensed cosmetology manager, in a licensed establishment that is also licensed as a specialty school of manicuring under s. 440.62 (4) (c).

**SECTION 76.** 454.06 (7) of the statutes is amended to read:

454.06 (7) **POSTING OF LICENSE CERTIFICATES.** The examining board shall furnish a certificate to each licensee, certifying that the holder is licensed to practice ~~barbering or~~ cosmetology, aesthetics, electrology, or manicuring or is a licensed cosmetology manager. The licensee shall post the certificate in a conspicuous place in the licensed establishment. A licensee who holds an inactive license may not post a certificate for that inactive license.

**SECTION 77.** 454.06 (8m) of the statutes is created to read:

454.06 (8m) **INACTIVE LICENSES.** (a) Any person who has been issued a license under subs. (2) to (6) may apply to the examining board to classify that license as inactive. Upon application under this paragraph, the examining board may classify a license as inactive if the examining board determines that the person who holds that license is in good standing with the examining board and intends to refrain from the practice that is authorized under the license during the period that the license is an inactive license.

(b) An inactive license is subject to sub. (8), except that the amount of the renewal fee for an inactive license shall be one-half of the amount of the renewal fee determined by the department for the license under s. 440.03 (9) (a).

(c) The examining board may remove the inactive classification of an inactive license if the person who holds that inactive license applies to the examining board

to remove the inactive classification and the person meets any additional requirements of the examining board.

(d) A person may perform work that is included in the practice for which that person holds an inactive license if that work is minimal, as determined by the examining board by rule.

**SECTION 78.** 454.06 (10) (a) of the statutes is amended to read:

454.06 (10) (a) The examining board may issue a temporary permit to practice as a ~~barber or~~ cosmetologist without examination if the applicant meets all of the requirements of sub. (2) for licensure except passage of an examination and if the applicant is scheduled to take the examination for licensure.

**SECTION 79.** 454.07 (1) of the statutes is amended to read:

454.07 (1) The examining board shall, in accordance with s. 440.07 (2), conduct examinations for ~~barber or~~ cosmetologist, cosmetology manager, aesthetician, electrologist, and manicurist licenses not less than 8 times annually, at times and places determined by the examining board.

**SECTION 80.** 454.08 (1) (a) of the statutes is amended to read:

454.08 (1) (a) The examining board may promulgate rules permitting the provision of personal care ~~barbering or~~ cosmetology, aesthetics, electrology, or manicuring services outside of licensed establishments by ~~barbers or~~ cosmetologists, aestheticians, electrologists, and manicurists to persons who are unable to leave their homes because of illness or disability or who are in hospitals, nursing homes, correctional institutions, or other institutions.

**SECTION 81.** 454.08 (1) (b) of the statutes is amended to read:

454.08 (1) (b) Except as permitted by rule promulgated under par. (a), no person may practice ~~barbering or~~ cosmetology, aesthetics, electrology, or manicuring in an establishment unless the establishment is licensed to provide that practice under sub. (2).

**SECTION 82.** 454.08 (2) (a) of the statutes is amended to read:

454.08 (2) (a) A ~~barber or cosmetologist~~ cosmetology establishment license which that authorizes the practice of barbering ~~or~~ cosmetology, aesthetics, electrology, and manicuring in the licensed establishment.

**SECTION 83.** 454.08 (2) (b) of the statutes is amended to read:

454.08 (2) (b) An aesthetics establishment license which that authorizes the practice of aesthetics in the licensed establishment.

**SECTION 84.** 454.08 (2) (c) of the statutes is amended to read:

454.08 (2) (c) An ~~electrologist~~ electrology establishment license which that authorizes the practice of electrology in the licensed establishment.

**SECTION 85.** 454.08 (2) (d) of the statutes is amended to read:

454.08 (2) (d) A ~~manicurist~~ manicuring establishment license which that authorizes the practice of manicuring in the licensed establishment.

**SECTION 86.** 454.08 (5) of the statutes is amended to read:

454.08 (5) A person who is not licensed under s. 454.06 by the examining board may own or operate an establishment, but may not practice barbering ~~or~~ cosmetology, aesthetics, electrology, or manicuring.

**SECTION 87.** 454.08 (6) of the statutes is amended to read:

454.08 (6) A person who owns ~~one or more barber or cosmetologist establishments~~ a cosmetology establishment shall employ at least one person as a manager who holds a cosmetology manager license and ~~works full time in the establishments~~ manages the establishment on a full-time basis. The cosmetology manager shall ensure that the establishment operates in compliance with this subchapter and rules promulgated by the examining board.

**SECTION 88.** 454.10 (2) of the statutes is amended to read:

454.10 (2) Apprentices shall receive at least 3,712 hours of practical training and at least 288 training hours of theoretical instruction ~~in theory~~ in a school of ~~barbering or~~ cosmetology in order to complete the apprenticeship program and be eligible to take the examination for a ~~barber or~~ cosmetologist license. Apprentices shall receive training for a total of at least 32 hours per week. The training shall be completed in not less than 2 years and not more than 4 years.

**SECTION 89.** 454.10 (3) (a) of the statutes is amended to read:

454.10 (3) (a) No apprentice under this section may practice ~~barbering or~~ cosmetology except under the supervision of a licensed cosmetology manager, whose cosmetology license is not an inactive license, or under the supervision of a licensed ~~barber or~~ cosmetologist, whose cosmetology license is not an inactive license, and to whom supervisory authority has been delegated by a licensed cosmetology manager. A licensed cosmetology manager may only delegate supervisory authority to a licensed ~~barber or~~ cosmetologist who has completed at least 2,000 hours of practice as a licensed ~~barber or~~ cosmetologist.

**SECTION 90.** 454.12 (intro.) of the statutes is amended to read:

**454.12 Continuing education.** (intro.) The examining board may impose continuing education requirements on licensees a person who holds a license under this subchapter that is not an inactive license either:

**SECTION 91.** 454.13 (1) (intro.) of the statutes is amended to read:

454.13 (1) (intro.) Upon application and payment of the fee specified in s. 440.05 (2), the examining board may issue a license to practice ~~barbering or~~ cosmetology, aesthetics, electrology, or manicuring or to practice as a cosmetology manager to an applicant who is licensed in another state or territory of the United States or in another country to perform services ~~which that~~ are substantially the same as those performed by licensees in this state and to whom either of the following applies:

**SECTION 92.** 454.13 (2) of the statutes is amended to read:

454.13 (2) The examining board may enter into reciprocal agreements with officials of other states for licensing ~~barbers or~~ cosmetologists, aestheticians, electrologists, manicurists, and cosmetology managers and grant licenses to persons licensed in other states according to the terms of such an agreement.

**SECTION 93.** 454.15 (1) of the statutes is amended to read:

454.15 (1) Subject to the rules promulgated under s. 440.03 (1), the examining board may make investigations or conduct hearings to determine whether a person has violated this ~~chapter subchapter~~ or any rule promulgated under this ~~chapter subchapter~~.

**SECTION 94.** 454.15 (2) (intro.) of the statutes is amended to read:

454.15 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1) and this ~~chapter subchapter~~, the examining board may revoke, limit, suspend, or refuse to issue or renew, in accordance with the severity of the violation, a license or permit issued under this ~~chapter subchapter~~ or reprimand the holder of a license or permit issued under this ~~chapter subchapter~~ if it finds that the holder or applicant has done any of the following:

**SECTION 95.** 454.15 (2) (a) of the statutes is amended to read:

454.15 (2) (a) Made a material misstatement in an application for license or permit or renewal, or in an application to classify a license as an inactive license.

**SECTION 96.** 454.15 (2) (c) of the statutes is amended to read:

454.15 (2) (c) Engaged in conduct in the practice of barbering ~~or~~ cosmetology, aesthetics, electrology, or manicuring ~~which that~~ evidences a lack of knowledge or ability to apply professional principles or skills.

**SECTION 97.** 454.15 (2) (d) of the statutes is amended to read:

454.15 (2) (d) Subject to ss. 111.321, 111.322, and 111.335, been convicted of a felony committed while engaged in the practice of barbering ~~or~~ cosmetology, aesthetics, electrology, or manicuring.

**SECTION 98.** 454.15 (2) (i) of the statutes is amended to read:

454.15 (2) (i) Violated this ~~chapter subchapter~~ or any rule promulgated under this ~~chapter subchapter~~.

**SECTION 99.** 454.15 (2) (j) of the statutes is created to read:

454.15 (2) (j) Violated subch. II or any rule promulgated under subch. II.

**SECTION 100.** 454.16 of the statutes is amended to read:

**454.16 Penalties.** Any person who violates this ~~chapter subchapter~~ or any rule promulgated under this ~~chapter subchapter~~ shall be fined not less than \$100 nor more than \$5,000 or imprisoned for not less than 10 days nor more than 90 days or both.

**SECTION 101.** Subchapter II of chapter 454 [precedes 454.20] of the statutes is created to read:

**CHAPTER 454**  
**SUBCHAPTER II**  
**BARBERING**

**454.20 Definitions.** In this subchapter:

(1) “Barber” means a person who practices barbering.

(2) “Barbering” means, for compensation, arranging, styling, dressing, shampooing, cleansing, curling, dyeing, tinting, coloring, bleaching, waving, cutting, shaving, trimming, relaxing, singeing, or performing similar work upon the hair of the head, neck, or face of any person by any means. “Barbering” does not include the removal of a person’s hair at the root or the application of temporary or permanent eyelash extensions to the eyelashes of a person.

(3) “Barbering manager” means a person who practices barbering and who is responsible for managing the operation of a barbering establishment.

(5) “Cosmetology” has the meaning given in s. 454.01 (7m).

(6) “Establishment” has the meaning given in s. 454.01 (10).

(7) “Licensed barber” means a person licensed by the department under s. 454.23 (2) whose license is not an inactive license under s. 454.23 (6).

(8) “Licensed barbering establishment” means an establishment licensed by the department under s. 454.25 (2).

(9) “Licensed barbering manager” means a person licensed by the department under s. 454.23 (3) whose license is not an inactive license under s. 454.23 (6).

(10) “Licensed cosmetologist” means a person licensed by the cosmetology examining board under s. 454.06 (2) whose license is not an inactive license under s. 454.06 (8m).

(11) “Licensed cosmetology establishment” means an establishment licensed by the cosmetology examining board under s. 454.08 (2) (a).

(12) “Licensed cosmetology manager” means a person licensed by the cosmetology examining board under s. 454.06 (3) whose license is not an inactive license under s. 454.06 (8m).

(13) “Student” has the meaning given in s. 454.01 (15).

(14) “Training hour” has the meaning given in s. 454.01 (16).

**454.21 Limitations and exceptions.** Barbering does not include any of the following:

(a) A service performed by a person licensed, certified, or registered under the laws of this state as a physician, physician assistant, nurse, or funeral director if the service is within the scope of the license, certificate, or registration.

(b) A service performed in a correctional institution, hospital, or licensed nursing home under the supervision of a person responsible for inmate or patient care.

**454.22 Practice.** (1) No person may engage in barbering unless the person is one of the following:

- (a) A licensed barber.
- (b) A licensed barbering manager.
- (c) An apprentice in barbering under s. 454.26.
- (d) A student in a barbering course of instruction.
- (e) A person who holds a temporary permit to practice barbering granted by the department under s. 454.23 (7).

- (f) A licensed cosmetologist.
- (g) A licensed cosmetology manager.
- (h) An apprentice in cosmetology under s. 454.10.
- (g) A student in a cosmetology course of instruction.
- (h) A person who holds a temporary permit to practice cosmetology granted by the cosmetology examining board under s. 454.06 (10).

(2) No person may use the title “barber” or “hairstylist” or any other similar title unless the person is a licensed barber, licensed barbering manager, licensed cosmetologist, or licensed cosmetology manager.

**454.23 Licensure.** (1) **APPLICATION.** An applicant for licensure under this section shall submit an application to the department on a form prescribed by the department.

(2) **BARBER LICENSE.** The department shall grant a barber license to any person who submits an application under sub. (1) and satisfies all of the following conditions:

(a) The applicant pays the initial credential fee determined by the department under s. 440.03 (9) (a), except as provided in s. 454.27 (1).

(b) Subject to ss. 111.321, 111.322, and 111.335, the applicant presents evidence satisfactory to the department that the applicant has not been convicted of a felony committed while engaged in the practice of barbering.

(c) The applicant graduates from high school or attains high school graduation equivalency as determined by the department of public instruction; is participating in a program approved by the department; or is at least 18 years old and meets the ability to benefit rule under 20 USC 1091 (d).

(d) The applicant graduates from a course of instruction in barbering of at least 1,000 training hours in barber-

ing in not less than 10 months in a school of barbering licensed under s. 440.62 (3) (ag), a school of cosmetology licensed under s. 440.62 (3) (ar), or a school that is exempted under s. 440.61 or the applicant successfully completes an apprenticeship under s. 454.26.

(e) The applicant passes an examination conducted by the department to determine fitness to practice barbering.

(3) **BARBERING MANAGER LICENSE.** The department shall grant a barbering manager license to any person who satisfies all of the following conditions:

(a) The person is a licensed barber or licensed cosmetologist.

(b) The person completes 4,000 hours of practice as a licensed barber or licensed cosmetologist under the supervision of a licensed barbering manager or licensed cosmetology manager or completes 2,000 hours of practice as a licensed barber or licensed cosmetologist and 150 training hours of theoretical instruction in barbering in a school of barbering licensed under s. 440.62 (3) (ag) or school of cosmetology licensed under s. 440.62 (3) (ar) or exempted under s. 440.61.

(c) Pays the fee under s. 440.05 (1).

(d) Passes an examination conducted by the department to determine fitness to practice as a barbering manager.

(4) **POSTING OF LICENSE CERTIFICATE.** The department shall issue a certificate to each person licensed under sub. (2) or (3), certifying that the holder is a licensed barber or licensed barbering manager. The licensee shall post the certificate in a conspicuous place in the primary establishment where the licensee practices.

(5) **EXPIRATION AND RENEWAL.** The renewal dates for licenses granted under subs. (2) and (3) are specified under s. 440.08 (2) (a), and the renewal fees for those licenses are determined by the department under s. 440.03 (9) (a).

(6) **INACTIVE LICENSE.** (a) Any person who is issued a license under sub. (2) or (3) may apply to the department to classify that license as inactive. Upon application under this paragraph, the department may classify a license as inactive if the department determines that the person who holds that license is in good standing with the department and intends to refrain from barbering during the period that the license is inactive.

(b) An inactive license is subject to sub. (5), except that the amount of the renewal fee for an inactive license shall be one-half of the amount of the renewal fee determined by the department for the license under s. 440.03 (9) (a).

(c) The department may remove the inactive classification of an inactive license if the person who holds that inactive license applies to the department to remove the inactive classification and the person meets any additional requirements of the department.

(d) A person whose license is inactive under this subsection may perform minimal barbering work, as determined by the department by rule.

(7) **TEMPORARY PERMIT.** (a) The department may grant a temporary permit to practice as a barber if an applicant under sub. (2) satisfies all of the conditions under sub. (2) except passage of the examination for licensure and the applicant is scheduled to take that examination.

(b) A temporary permit granted under par. (a) is valid for 6 months and may not be renewed. The fee for a temporary permit is specified in s. 440.05 (6).

**454.24 Examinations.** (1) The department shall, in accordance with s. 440.07 (2), conduct examinations for barber licenses at least 8 times annually, at times and places determined by the department.

(2) The examination for a license under s. 454.23 (2) or (3) shall consist of written tests and practical demonstrations requiring applicants to demonstrate minimum competency in services and subjects substantially related to the practice of a barber or barbering manager, as appropriate, and public health and safety.

(3) A person is not eligible for examination for a license granted under s. 454.23 (2) or (3) unless the person completes the requirements for licensure under s. 454.23 (2) or (3) except passage of the examination.

(4) An applicant for a license under s. 454.23 (2) or (3) shall file an application for examination in the office of the department at least 3 weeks before the examination. If an applicant fails to file the application within the required time, the department may postpone the applicant's examination to the date of the next available regular examination. The department may require an applicant who fails to appear for or to complete an examination to reapply for examination. An applicant who fails an examination may request reexamination and shall pay a fee for reexamination, according to the procedures and fees established under s. 440.06.

**454.25 Barbering establishment license.** (1) (a) The department may promulgate rules permitting the provision of barbering services outside of a licensed barbering establishment or a licensed cosmetology establishment by a barber to a person who is unable to leave his or her home because of illness or disability or who is in a hospital, nursing home, correctional institution, or other institution.

(b) Except as permitted by rule promulgated under par. (a), no person may practice barbering in an establishment unless the establishment is a licensed barbering establishment or licensed cosmetology establishment.

(2) The department shall grant a barbering establishment license that authorizes the practice of barbering in the licensed establishment to any person who pays the initial credential fee determined by the department under s. 440.03 (9) (a) and who satisfies the requirements established by the department by rule, including proof of own-

ership of the business that operates the establishment. Any change of ownership of a licensed barbering establishment shall be reported to the department by the new owner within 5 days after the change of ownership.

(3) The department shall, by rule, establish minimum standards concerning the maintenance, equipment, plans, and specifications for licensed barbering establishments as they relate to the public health and safety. The department may not license a barbering establishment under this section unless the establishment meets the standards established by the department. A person proposing to open a barbering establishment in a new location shall apply to the department for an inspection and approval of the establishment, submitting an exact description and floor plan of the proposed establishment on a form provided by the department.

(4) A person who is not a licensed barber, licensed barbering manager, licensed cosmetologist, or licensed cosmetology manager may own or operate a licensed barbering establishment, but may not practice barbering.

(5) A person who owns a licensed barbering establishment shall employ at least one person as a manager who is a licensed barbering manager or licensed cosmetology manager and works full-time in the establishment.

(7) Commercial businesses and practices other than barbering may be operated in a licensed barbering establishment, except that a business or practice that poses a sanitation or health hazard may not be conducted within a licensed barbering establishment.

(8) The department shall furnish a certificate to the owner of a licensed barbering establishment, certifying that the establishment is licensed by the department. The owner shall post the certificate in a conspicuous place in the establishment.

(9) The renewal date for a barbering establishment license is specified under s. 440.08 (2) (a), and the renewal fee for a barbering establishment license is determined by the department under s. 440.03 (9) (a).

**454.26 Apprenticeship.** (1) An apprentice in barbering shall be employed under an apprentice contract under s. 106.01 and shall be governed by s. 106.01, the apprenticeship rules of the department of workforce development, and the rules of the department.

(2) An apprentice in barbering shall receive at least 3,712 hours of practical training in barbering and at least 288 training hours of instruction in barbering in a school of barbering or school of cosmetology in order to complete the apprenticeship program and be eligible to take the examination for a barber license. An apprentice in barbering shall receive training in barbering for a total of at least 32 hours per week. The training shall be completed in not less than 2 years and not more than 4 years.

(3) (a) An apprentice in barbering may not practice barbering except under the supervision of a licensed barbering manager or licensed cosmetology manager or

under the supervision of a licensed barber or licensed cosmetologist to whom supervisory authority has been delegated by a licensed barbering manager or licensed cosmetology manager. A licensed barbering manager or licensed cosmetology manager may only delegate supervisory authority to a licensed barber or licensed cosmetologist who has completed at least 2,000 hours of practice as a licensed barber or licensed cosmetologist.

(b) An apprentice in barbering shall be trained in all branches of practical work and in all subjects required to be taught in a school of barbering as prescribed by the department by rule.

(4) A person who successfully completes the requirements of sub. (2) may not continue to practice as an apprentice in barbering but may apply for a temporary permit under s. 454.23 (7).

**454.265 Continuing education.** (1) The department shall promulgate rules that establish continuing education requirements for licensed barbers.

(2) The rules under sub. (1) may not require any of the following:

(a) That a licensed barber complete more than 4 training hours of instruction in barbering every 2 years before the licensed barber has completed 8 years of practice as a licensed barber.

(b) That a licensed barber complete any continuing education requirements after the licensed barber has completed 8 years of practice as a licensed barber.

(c) That a licensed barber attend continuing education in a classroom or complete other on-site instruction or training as a part of the licensed barber's continuing education.

**454.27 Licensees of other jurisdictions.** (1) Upon application and payment of the fee specified in s. 440.05 (2), the department may grant a license to practice barbering or to practice as a barbering manager to an applicant who is licensed in another state or territory of the United States or in another country to perform services that are substantially the same as those performed by a licensed barber or licensed barbering manager in this state and to whom at least one of the following applies:

(a) The applicant has at least 4,000 hours of experience in licensed practice, has never been disciplined by the licensing authority of another jurisdiction, and is not a party to a proceeding before the licensing agency in which it is alleged that the applicant was negligent in the licensed practice or violated any law relating to the licensed practice.

(b) The applicant meets the requirements established in a reciprocal agreement under sub. (2) between the department and the licensing authority in the state where the applicant is licensed.

(2) The department may enter into a reciprocal agreement with the officials of another state for the licensing of barbers in this state and may grant a license to a person

licensed in the other state according to the terms of that agreement.

**454.28 Inspections.** (1) The department shall appoint inspectors under the classified service to inspect licensed barbering establishments.

(2) An inspector appointed under sub. (1) may enter and inspect any licensed barbering establishment at any time during business hours.

**454.285 Disclosure of temporary permit status.** A person practicing under a temporary permit to practice barbering granted under s. 454.23 (7) shall, before performing any barbering services, inform the person receiving the barbering service that he or she is practicing under a temporary permit and that he or she has satisfied all requirements except passage of an examination for a barbering license.

**454.287 Advisory committee.** The secretary shall appoint an advisory committee under s. 440.042 to advise the department on matters relating to the regulation of barbers, barbering managers, and barbering establishments under this subchapter and the rules required under s. 440.62 (5) (b) 2.

**454.29 Disciplinary proceedings and actions.** (1) Subject to the rules promulgated under s. 440.03 (1), the department may make investigations or conduct hearings to determine whether a person has violated this subchapter or any rule promulgated under this subchapter.

(2) Subject to the rules promulgated under s. 440.03 (1) and this subchapter, the department may revoke, limit, suspend, or refuse to issue or renew, in accordance with the severity of the violation, a license or temporary permit granted under this subchapter or reprimand the holder of a license or temporary permit granted under this subchapter if the department finds that the holder or applicant has done any of the following:

(a) Made a material misstatement in an application for a license, renewal of a license, or temporary permit.

(b) Failed to correct or take substantial steps approved by the department to correct a violation of any sanitary or other rule of the department within the time limit stated by the department in a notification of violation.

(c) Engaged in conduct in the practice of barbering that evidences a lack of knowledge or ability to apply professional principles or skills.

(d) Subject to ss. 111.321, 111.322, and 111.335, been convicted of a felony committed while engaged in the practice of barbering.

(e) Continued practice while knowingly having an infectious, contagious, or communicable disease.

(f) Advertised in a manner that is false, deceptive, or misleading.

(g) Advertised, practiced, or attempted to practice under another's name or another's trade name.

(h) Subject to ss. 111.321, 111.322, and 111.34, been addicted to alcohol or other drugs to an extent related to the individual's ability to adequately undertake the job-related responsibilities of that individual's licensure.

(i) Violated this subchapter or any rule promulgated under this subchapter.

(3) The department may, in addition to or in lieu of a reprimand or revocation, limitation, suspension, or denial of a license or temporary permit, assess against a person who has done any of the things under sub. (2) (a) to (i) a forfeiture of not more than \$1,000 for each separate offense. Each day of continued violation constitutes a separate offense.

**454.295 Penalties.** Any person who violates this subchapter or any rule promulgated under this subchapter shall be fined not less than \$100 nor more than \$5,000 or imprisoned for not less than 10 days nor more than 90 days or both.

#### SECTION 102. Nonstatutory provisions.

(1) TREATMENT OF CURRENT LICENSED BARBERS OR COSMETOLOGISTS, MANAGERS, ESTABLISHMENTS, AND SCHOOLS OF BARBERING OR COSMETOLOGY AND CURRENT CERTIFIED BARBERING OR COSMETOLOGY INSTRUCTORS.

(a) *Definition.* In this subsection, "department" means the department of safety and professional services.

(b) *Barbers.* Notwithstanding section 454.23 (1) and (2) of the statutes, as created by this act, and subject to a notification and renewal under this paragraph, on the effective date of this paragraph, a person who, immediately prior to the effective date of this paragraph, held a valid barber or cosmetologist license granted by the barbering and cosmetology examining board, is considered to be a licensed barber, as defined in section 454.20 (7) of the statutes, as created by this act. The department shall issue a barber license to that person under section 454.23 (2) of the statutes, as created by this act, if the person notifies the department that the person intends to practice as a barber subject to subchapter II of chapter 454 of the statutes, as created by this act, and satisfies the applicable renewal requirements for a barber license under section 440.08 of the statutes, as affected by this act, before April 1, 2013.

(c) *Cosmetologists.* Notwithstanding section 454.06 (1) and (2) of the statutes, as affected by this act, and subject to a notification and renewal under this paragraph, on the effective date of this paragraph, a person who, immediately prior to the effective date of this paragraph, held a valid barber or cosmetologist license granted by the barbering and cosmetology examining board, is considered to be a licensed cosmetologist, as defined in section 454.20 (10) of the statutes, as created by this act. The cosmetology examining board shall issue a cosmetologist license to that person under section 454.06 (2) of the statutes, as affected by this act, if the person notifies the cosmetology examining board that the person intends to

practice as a cosmetologist subject to subchapter I of chapter 454 of the statutes, as created by this act, and satisfies the applicable renewal requirements for a cosmetologist license under section 440.08 of the statutes, as affected by this act, before April 1, 2013.

(d) *Barbering managers.* Notwithstanding section 454.23 (1) and (3) of the statutes, as created by this act, and subject to a notification and renewal under this paragraph, on the effective date of this paragraph, a person who, immediately prior to the effective date of this paragraph, held a valid manager license granted by the barbering and cosmetology examining board, is considered to be a licensed barbering manager, as defined in section 454.20 (9) of the statutes, as created by this act. The department shall issue a barbering manager license to that person under section 454.23 (3) of the statutes, as created by this act, if the person notifies the department that the person intends to practice as a barbering manager subject to subchapter II of chapter 454 of the statutes, as created by this act, and satisfies the applicable renewal requirements for a barbering manager license under section 440.08 of the statutes, as affected by this act, before April 1, 2013.

(e) *Cosmetology managers.* Notwithstanding section 454.06 (1) and (3) of the statutes, as affected by this act, and subject to a notification and renewal under this paragraph, on the effective date of this paragraph, a person who, immediately prior to the effective date of this paragraph, held a valid manager license granted by the barbering and cosmetology examining board, is considered to be a licensed cosmetology manager, as defined in section 454.20 (12) of the statutes, as created by this act. The cosmetology examining board shall issue a cosmetology manager license to that person under section 454.06 (3) of the statutes, as affected by this act, if the person notifies the cosmetology examining board that the person intends to practice as a cosmetology manager subject to subchapter I of chapter 454 of the statutes, as created by this act, and satisfies the applicable renewal requirements for a cosmetology manager license under section 440.08 of the statutes, as affected by this act, before April 1, 2013.

(f) *Barbering establishments.* Notwithstanding section 454.25 of the statutes, as created by this act, and subject to a notification and renewal under this paragraph, on the effective date of this paragraph, an establishment, as defined under section 454.01 (10) of the statutes, that, immediately prior to the effective date of this paragraph, held a valid barbering or cosmetologist establishment license granted by the barbering and cosmetology examining board, is considered to be a licensed barbering establishment, as defined in section 454.20 (8) of the statutes, as created by this act. The department shall issue a barbering establishment license for that establishment under section 454.25 (2) of the statutes, as created by this act, if an authorized representative of the establishment

notifies the department that the establishment will be maintained as a barbering establishment subject to subchapter II of chapter 454 of the statutes, as created by this act, and the applicable renewal requirements for a barbering establishment license under section 440.08 of the statutes, as affected by this act, are satisfied for the establishment before April 1, 2013.

(g) *Cosmetology establishments.* Notwithstanding section 454.08 of the statutes, as affected by this act, and subject to a notification and renewal under this paragraph, on the effective date of this paragraph, an establishment, as defined under section 454.01 (10) of the statutes, as affected by this act, that, immediately prior to the effective date of this paragraph, held a valid barbering or cosmetologist establishment license granted by the barbering and cosmetology examining board, is considered to be a licensed cosmetology establishment, as defined in section 454.20 (11) of the statutes, as created by this act. The cosmetology examining board shall issue a cosmetology establishment license for that establishment under section 454.08 (2) (a) of the statutes, as affected by this act, if an authorized representative of the establishment notifies the cosmetology examining board that the establishment will be maintained as a cosmetology establishment subject to subchapter I of chapter 454 of the statutes, as created by this act, and the applicable renewal requirements for a cosmetology establishment license under section 440.08 of the statutes, as affected by this act, are satisfied for the establishment before April 1, 2013.

(h) *Schools of barbering.* Notwithstanding section 440.62 (3) (ag) of the statutes, as created by this act, and subject to a notification and renewal under this paragraph, on the effective date of this paragraph, a school, as defined in section 440.60 (14) of the statutes, as affected by this act, that, immediately prior to the effective date of this paragraph, held a valid school of barbering or cosmetology license granted by the department, is considered to be a licensed school of barbering under subchapter VI of chapter 440 of the statutes, as affected by this act. The department shall issue a school of barbering license to that school under section 440.62 (3) (ag) of the statutes, as created by this act, if an authorized representative of the school notifies the department that the school will be maintained as a school of barbering subject to subchapter VI of chapter 440 of the statutes, as affected by this act, and the applicable renewal requirements for a school of barbering license under section 440.08 of the statutes, as affected by this act, are satisfied for the school before April 1, 2013.

(i) *Schools of cosmetology.* Notwithstanding section 440.62 (3) (ar) of the statutes, as created by this act, and subject to a notification and renewal under this paragraph, on the effective date of this paragraph, a school, as

defined in section 440.60 (14) of the statutes, as affected by this act, that, immediately prior to the effective date of this paragraph, held a valid school of barbering or cosmetology license granted by the department is considered to be a licensed school of cosmetology under subchapter VI of chapter 440 of the statutes, as affected by this act. The department shall issue a school of barbering license to that school under section 440.62 (3) (ar) of the statutes, as created by this act, if an authorized representative of the school notifies the department that the school will be maintained as a school of cosmetology subject to subchapter VI of chapter 440 of the statutes, as affected by this act, and the applicable renewal requirements for a school of cosmetology license under section 440.08 of the statutes, as affected by this act, are satisfied for the school before April 1, 2013.

(j) *Barbering instructors.* Notwithstanding section 440.63 (3) (a) of the statutes, as affected by this act, and subject to a notification and renewal under this paragraph, on the effective date of this paragraph, a person who, immediately prior to the effective date of this paragraph, held a valid barbering or cosmetology instructor certificate granted by the department, is considered to be a certified barbering instructor under subchapter VI of chapter 440 of the statutes, as affected by this act. The department shall issue a barbering instructor certificate to that person under section 440.63 (3) (a) of the statutes, as affected by this act, if the person notifies the department that the person intends to act as a barbering instructor subject to subchapter VI of chapter 440 of the statutes, as affected by this act, and satisfies the applicable renewal requirements for a barbering instructor certificate under section 440.08 of the statutes, as affected by this act, before April 1, 2013.

(k) *Cosmetology instructors.* Notwithstanding section 440.63 (3) (am) of the statutes, as created by this act, and subject to a notification and renewal under this paragraph, on the effective date of this paragraph, a person who, immediately prior to the effective date of this paragraph, held a valid barbering or cosmetology instructor certificate granted by the department, is considered to be a certified cosmetology instructor under subchapter VI of chapter 440 of the statutes, as affected by this act. The department shall issue a cosmetology instructor certificate to that person under section 440.63 (3) (am) of the statutes, as created by this act, if the person notifies the department that the person intends to act as a cosmetology instructor subject to subchapter VI of chapter 440 of the statutes, as affected by this act, and satisfies the applicable renewal requirements for a cosmetology instructor certificate under section 440.08 of the statutes, as affected by this act, before April 1, 2013.

**SECTION 103. Effective date.**

(1) This act takes effect on July 1, 2012.